श्रीमती सुषमा स्वराज : जहां तक मनोरंजन कर का सवाल है, वह स्टेट सब्जेक्ट है, इन्टरटेन्मेट टैक्स है। इसलिए मैंने जवाब नहीं दिया था।

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया): आप बोल चुकी हैं। जो आप बोल चुकी हैं, वह नहीं।

श्रीमती सुषमा स्वराज : बल्कि मैंने आपको कहा कि अजय मारु जी ने आपके स्वर में स्वर मिलाते हुए ये प्रश्न उठाए। एक-एक का जवाब दिया है मैंने। ...**(व्यवधान)**...पता नहीं आपका ध्यान कहां था। ...**(व्यवधान)**... आप मेरा लिखित जवाब मंगाकर पढ़ लीजिए।

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): The question is,

"That the Bill be passed."
The motion was adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, we take up for consideration The Biological Diversity Bill, 2002.

THE BIOLOGICAL DIVERSITY BILL, 2002

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R. BAALU): I beg to move:

> "That the Bill to provide for conservation of Biological Diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

Sir, I have the proud privilege of introducing the motion for consideration of a Bill which aims at regulating the access to and conservation of our rich and diverse eco-systems. This Bill has been unanimously passed by the Lok Sabha.

Biodiversity, the variety of life on earth, is the backbone for any country's ecological security and livelihood security of its people. It constitutes the resources upon which human beings, communities, nations and future generations depend.

In the past, the biological resources of the country and associated traditional knowledge have been shared freely with other countries, regarding biodiversity as a common heritage of humanity. But, after the entry into force of the United Nations' Convention on Biological Diversity (CBD), to which India is a party, this scenario has changed.

The CBD, while affirming the principle of sovereign rights of States over their own biological resources, enjoins upon the contracting parties to facilitate access to genetic resources by other parties through national legislation and/or regulations. The recipient is required to provide fair and equitable sharing of benefits arising from the use of genetic resources transferred.

In this background, we have developed the Biological Diversity legislation. I am happy to inform this august House that we are one of the very few countries in the world, and the first among the 12 Megadiversity nations, to develop such a legislation. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Excuse me Mr. Minister. I think, too many people are talking. I cannot even hear what the Minister is saying. ...*(Interruptions)*...

SHRI T.R. BAALU: The legislation primarily addresses the issue concerning access to genetic resources and associated knowledge by foreign individuals, institutions or companies, and equitable sharing of benefits arising out of the use of these resources and knowledge with the country and the people.

I am thankful to the Standing Committee, which is chaired by the hon. Member Shri Ramachandraiah, for the in-depth consideration of the Bill and valuable recommendations.

As the Biological Diversity Bill provides for checking biopiracy and realising equitable sharing of benefits arising out of the utilisation of our rich biological resources and associated traditional knowledge, I appeal for support from all sections of this House.

With these words, Sir, I commend the Bill to the House.

Thank you.

The question was proposed.

DR. A.R. KIDWAI (NCT of Delhi): Mr. Vice-Chairman, Sir, thank you very much for this opportunity. We would very much like to support the

Biological Diversity Bill, 2002. In fact, it should have come much earlier. The Bill has come when the horses have bolted from their stable. All of us know that India is one of the richest sources of biodiversity, whether it is plants, animals, micro-organisms or even human beings. That genetic variation is the greatest asset to this country. But, unfortunately, we did not think of it earlier. The result is that in the name of research, in the name of temptation of monetary benefits, in the name of research support to schemes, we have passed on more than 90 per cent of the genetic material to the United States and other countries, without putting a condition that if this material is used for commercial purposes, then the royalty will belong to this country. The result is that when the Plants Protection Bill came, it was prescribed in that Bill that for all the varieties, which had been donated so far, neither India nor any other country would get any royalty. On at least 95 per cent genetic material which we had given, India would not get any royalty. It is only from the new material which we give from now onwards, that we will have some benefits. I do not know why we give everything when there is temptation from outside, without putting a condition that if it is used for commercial purposes, we will be entitled to the benefits. If it is used for the research purpose, we should not charge. But now, after having given most of the genetic material that we had, you are coming forward with this Bill, which is too late. The Bill is also very defective. I do not know how the constitution of the bureaucratic set up in the States or in the sub-divisions will protect the biodiversity. They do not know the difference between one variety or the other. The Deputy Collectors, the Sub-Divisional Officers or the Block Development Officers do not know the basic difference between one variety and another. This is a matter where scientific knowledge is required, where scientific approach is necessary to identify the diversity and the value, and therefore, this Bill is deficient in spelling out the kind of management, which is necessary for the protection of the biodiversity. In fact, the provisions made here, will hamper research and development in these activities. The persons, who do not know the genetics, will stop research work, will hinder the research programmes and the developmental activities by the farmers of the new varieties. So, this is a half-baked, half-hearted attempt to bring a Bill on such an important matter. It is not only too late, but it is also incomplete. It does not serve the purpose for which it is meant. I agree with the Minister that there should be involvement of the panchayats, the tribals and others in preservation and conservation of the bio-genetic material, whether it is forest in their area where such material is available. But, how can you hand it over to a bureaucratic set-up to protect

them? This is a very deficient aspect of it, which should be properly spelt out. The other aspect is that leaving it free for everybody to identify the genetic material will convert India into a genetic marketplace. The foreign companies, the firms, which are looking for genetic material, will come here for purchasing and marketing purposes. If the dealings on these materials have to be done, they should be done by the State, who should be properly guided and advised on the significance of the genetic material and its importance. We are supposed to have a large scientific manpower, specially, in the field of agriculture and biological sciences. But have we utilized these scientists? Have we got any programme to create new varieties of plants through genetic experiments? Of the genetic material, which was collected, one sample was sent to the USA, the other sample was stored here only, in liquid Nitrogen, and it is still there; it has not been utilized. And the samples of Basmati rice, which were sent to the USA, have been developed into a new variety of Basmati, and we are sleeping on our own genetic material. Is the genetic material, which has been identified, meant to be left in cold storage? What effort has been made to utilize our scientific manpower, our talents to do research and produce new varieties? The world needs new varieties of sugarcane, the world needs new varieties of wheat, the world needs new varieties of rice. Have we made any organized effort to utilize our genetic material? This is the greatest asset, which India has, in the form of genetic material. But, as yet, we have not made a programme about how to utilize this material for the production of new plant varieties. On the other hand, the countries, which have taken this material from here, are utilizing it and claiming monopoly. Now, one of the conditions in the Bill on plant varieties is that now, if we want to develop the Basmati rice and utilize the same material which was utilized by the scientists of USA, we will have to get their permission; we will have to tell them that the genetic material which they used, is also being utilized by us. So, we have handed over whatever material we had, to our disadvantage, and whatever we have, we are not utilizing. The management, which is proposed in this Bill, is most unsatisfactory. The Bill will only create a lot of confusion. It will invite foreigners to come into our market to take away things. It is very easy to give away the biogenetic material, it is only a small sample which is required to be taken away. We have banned export of human blood samples. But still, the blood samples are going out and people are utilizing them. So, this is a very scientific material, which should be dealt in a scientific manner...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) : You are not supposed to speak. When your turn comes, you can speak.

DR. A. R. KIDWAI : This is a half-hearted effort. Even then, I would recommend that this Bill be passed. But efforts should be made to make strong rules through which we can properly administer. A policy on biodiversity should be made and the Bill should be further amended. May I point out that when we passed the Plant Varieties Act a few months ago, it was passed on the condition that the rights of the farmers would be protected; the farmers would be free to duplicate and reproduce the seeds which they had got for their own use, and they could even sell them? Now, the decision of the Ministry of Agriculture to join the Conference of Union of Protection of Plant Varieties is an effort to subvert the provision of protecting the rights of the farmers because one of the conditions for joining the UPPoV, Union of Protection of Plant Varietie,s is that we will have to accept the international patents on this, and we cannot reproduce, while the Act which we passed six months ago, provides that the farmers would have the right to reproduce the material for their own use, and even for selling. So, the right of the farmers has to be protected. If we want to have the new hybrid material, which will be coming to India, we will have to buy, every time, the fresh hybrid seeds for every crop. I think, we have to reconsider all these provisions and protect our farmers from being further exploited, when buying seeds for their own crops, for their own agricultural work, year after year, from foreign countries. The big multinationals, the Monsanto and other companies, are interested in making India a market. A country which has the richest resources of genetic material will have to buy, for its agriculture, material from outside! So, these are the hazards, and, I think, this is only a beginning. This Bill should be considered only as a beginning to protect India's genetic resources. But it requires to be strengthened, as it has not been done properly. Thank you very much, Sir.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): It is nearing 5 o'clock. It is already 4.58 p.m. If the House so agrees, the statement can be made.

SHRI T.R. BAALU: Sir, if you don't mind, the debate on the Bill should be completed first.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) : It is just not possible. I have the names of so many Members who want to speak, Mr. Minister, and we would like to see you tomorrow again!

SHRI PRANAB MUKHERJEE (West Bengal) : Sir, we have to discuss it. There are a large number of speakers. It will have to be taken up tomorrow.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Can he make the statement now? Do I have the permission of the House?

SHRI PRANAB MUKHERJEE: Sir, it is an important Bill. I suggest that the Minister, Shri I.D. Swami, should make his statement now. We can seek clarifications from him tomorrow. We can sit up to 6 o'clock today. So far as this Bill is concerned, it has to spill over because more than three hours have been given for this Bill, and today, we can't sit till 8 o'clock.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) : No, no; it is not possible. Two hours have been given.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI O. RAJAGOPAL): Sir, the Bill can be taken up some other day, but the statement can be made today. Members can seek clarifications...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Let him complete. ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE: The Minister can make the statement today, but we will seek clarifications tomorrow. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Let him make the statement first. We will take a decision after that. What is the great hurry about it?

5.00 p.m.

STATEMENT BY MINISTER

Atrocities against Dalits in Haryana, Bihar and other parts of the Country

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): Sir, hon. Members of Rajya Sabha raised the issue regarding killing of five members of Scheduled Castes in Dulina in Jhajjar District of Haryana. I am, accordingly, making a statement on the incident.

The facts of the case, as reported by the Government of Haryana, are that on 15th October, 2002, on the Dussehra Day, five persons were coming from Farukh Nagar, District Gurgaon, and were going to Karnal. They were carrying 228 hides (34 hides of cows, 2 hides of sheep and 192 hides of buffaloes) and a dead cow in a TATA 407 vehicle. While going to Karnal from Farukh Nagar, they crossed police post Dulina and stopped between Dulina and Jhajjar. They started removing the skin of the dead cow along the road side. It was around 6.30 p.m. and the people of adjoining villages were returning home after attending Dussehera celebrations in Jhajjar town. Seeing the deceased persons skinning the cow, public thought that cow slaughter was being carried out openly. About 50-60 persons gathered there and gave severe beating to all the five deceased persons. The public took the deceased to Police Post Dulina where they reported that the deceased were carrying out cow slaughter on which the Assistant Sub-Inspector registered a case No. 469 under section 3/8 Punjab Prohibition of Cow Slaughter Act, 1955 against all the deceased persons. However, ASI after making preliminary enquiry told the public that it was not a case of cow slaughter, instead a dead cow was bought by the deceased from Farukh Nagar and was being skinned but the villagers strongly argued with the Assistant Sub-Inspector of Police and it was decided that verification be done from Farukh Nagar whether the cow was bought dead or alive. Team consisting of head Constable, driver of the vehicle Tata 407 and one person from the public was sent to Farukh Nagar. On verification, it was established that the cow was bought dead by the deceased persons. The verification party came back to Dulina at about 8.00 p.m. by which time many passers-by saw the half-skinned cow and the rumour about cow slaughter spread in Jhajjar town and nearby villages. People in thousands armed with lathi, jaily etc. gathered there and blocked